

COOLEY LLP
BOBBY GHAJAR (198719)
(bghajar@cooley.com)
COLETTE GHAZARIAN (322235)
(cghazarian@cooley.com)
1333 2nd Street, Suite 400
Santa Monica, California 90401
Telephone: (310) 883-6400

MARK WEINSTEIN (193043)
(mweinstein@cooley.com)
KATHLEEN HARTNETT (314267)
(khartnett@cooley.com)
JUDD LAUTER (290945)
(jlauter@cooley.com)
ELIZABETH L. STAMESHKIN (260865)
(lstameshkin@cooley.com)
3175 Hanover Street
Palo Alto, CA 94304-1130
Telephone: (650) 843-5000

CLEARY GOTTlieb STEEN &
HAMILTON LLP
ANGELA L. DUNNING (212047)
(adunning@cgsh.com)
1841 Page Mill Road, Suite 250
Palo Alto, CA 94304
Telephone: (650) 815-4131

Counsel for Defendant Meta Platforms, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

RICHARD KADREY, et al.,

Individual and Representative Plaintiffs,

v.

META PLATFORMS, INC.,

Defendant.

Case No. 3:23-cv-03417-VC

**JOINT STATUS REPORT PER ECF NO.
231**

Pursuant to the Court's Order, ECF No. 231, the parties respectfully submit this status report.

The parties have scheduled 16 depositions of current and former Meta employees—eight in October and November, and eight more in December—and three depositions of plaintiffs in December. The parties are meeting and conferring about dates for two additional Meta deponents (Alex Boesenberg and Amrish Acharya). Plaintiffs are awaiting Meta's confirmation whether it will represent former employee Susan Zhang, and the parties are meeting and conferring today on Meta's objections to Plaintiffs' amended 30(b)(6) topics and Plaintiffs request to depose Chris Cox, Meta's Chief Product Officer.

Plaintiffs' Position: Despite multiple requests over the past several weeks, Meta has not identified any of its 30(b)(6) witnesses, the dates for their depositions, or the topics on which they will testify. For the first time last night, Meta advised Plaintiffs that it “will not be identifying any 30(b)(6) designees today as we are still confirming those designations with the witnesses, but it is our current expectation that we will be designating witnesses from the group of witnesses Plaintiffs already requested for deposition.” After multiple requests over several weeks, Meta yesterday served objections and responses to Plaintiffs' amended 30(b)(6) topics. The parties are meeting and conferring today regarding those objections and responses, Plaintiffs' repeated requests for Meta to identify its 30(b)(6) deponents and dates, and Plaintiffs' request to depose Chris Cox. In light of Meta's objections to Plaintiffs' 30(b)(6) topics and refusal to date to identify 30(b)(6) deponents and dates, along with Meta's stated intent to seek a protective order to prevent Plaintiffs from deposing Mr. Cox, Plaintiffs respectfully request that the Court schedule a telephonic conference at the Court's earliest convenience to address these issues and, if needed, set a briefing schedule. Plaintiffs also request that the Court address at this conference several discovery issues for which Plaintiffs already requested a conference pursuant to the Court's Discovery Standing Order on October 22 and 23, 2024 (by phone and email), and again by phone and email on October 25 and this morning. As of last night, Meta is now taking the position that Plaintiffs' request for a telephonic conference is “untimely” because the parties previously stipulated to an interim

deadline of October 23rd for “Letter Briefs re: Existing Written Discovery,” which the Court entered on October 25th. *See* ECF No. 238. This newfound position is doubly ironic given that Meta did not even agree the parties were at an impasse or the issue and that Meta has continued to meet and confer and request responses from Plaintiffs as to Meta’s existing written discovery (which based on Meta’s new position also would be “untimely”). Plaintiffs do not agree that the parties must seek to “extend” this interim deadline to raise discovery disputes with the Court during the discovery period, but if the Court disagrees then Plaintiffs request that the Court order the parties to file a stipulation and proposed order doing so by the end of today, October 29, so the parties can address their disputes substantively and expeditiously with the Court before the close of discovery.

Meta’s Position:

As an initial matter, Meta disagrees that this report is an appropriate vehicle to attempt to get an extension of a discovery deadline or argue its merits. Meta will do so at the appropriate time.

As Plaintiffs acknowledge, Meta served its objections and responses to Plaintiffs’ amended 30(b)(6) notice, which contains several overly broad, unparticularized, and inappropriate topics. The parties are meeting and conferring about that amended 30(b)(6) today.

With respect to witness designations, after Plaintiffs identified the individual witnesses they sought to depose (following the Court’s Order expanding the number of depositions), Meta diligently worked with its witnesses to determine who is best situated to address the 30(b)(6) topics and is near finalizing those designations. Meta’s identification of witnesses was in part dependent on Plaintiffs’ identification of witnesses for deposition, which were provided by Plaintiffs on October 17 and October 20. Meta plans to share its designations with Plaintiff this week. As Meta has told Plaintiffs, Meta intends to designate a small number of the Meta witnesses identified in the chart below as its 30(b)(6) designees, so there will be no additional depositions to schedule. The first 30(b)(6) designee will be Mike Clark, on November 14, so Plaintiffs will have plenty of time to prepare for the depositions.

Meta has diligently attempted to schedule witnesses for deposition and several of the dates have been rejected by Plaintiffs, including Mr. Boesenberg and Mr. Acharya. Meta has encouraged Plaintiff to accept the dates Meta offered to ensure that most of the depositions take place by the end of November and to avoid jeopardizing the Court's fact discovery close slipping beyond December 13th. Meta will continue to work cooperatively with Plaintiffs to schedule depositions for the few remaining witnesses.

If the parties reach an impasse on issues related to the 30(b)(6) topics, the parties will reach out to the court if a call is necessary. With respect to Mr. Cox, the parties are at an impasse and will proceed with letter briefing.

Meta's witnesses

<u>Deponent</u>	<u>Relevant Date</u>
<i>Depositions Taken</i>	
1. Melanie Kambadur	Completed
2. Ahmad Al-Dahle	Completed
3. Eleonora Presani	Completed
4. Todor Mihaylov	Completed
<i>Depositions Scheduled and/or Dates Provided</i>	
5. Chaya Nayak	Oct. 31
6. Joelle Pineau	Nov. 6
7. Sergey Edunov	Nov. 6
8. Amanda Kallet	Nov. 14
9. Mike Clark	Nov. 14
10. Angela Fan	Nov. 15
11. Yann LeCun	Nov. 21
12. Logan Kerr	Nov. 26
13. Hugo Touvron	Dec. 3
14. Sy Choudhury	Dec. 5
15. Thomas Scialom	Dec. 5
16. Nikolay Bashlykov	Dec. 6
17. Eugene Nho	Dec. 6

18. Sean Bell	Dec. 11
19. Steven Roller	Dec. 11
20. Arun Rao	Dec. 13
21. Mark Zuckerberg	Dec. 17 (by agreement, if approved by court)
22. Alex Boesenberg	Meta offered Mr. Boesenberg on November 14, but Plaintiffs have indicated that they are unavailable to take his deposition on that date and requested alternate dates.
23. Amrish Acharya	Meta offered Mr. Acharya on November 19, but Plaintiffs have represented that they are unavailable to take his deposition that day and requested alternate dates.
<i>Depositions Not Scheduled</i>	
24. Susan Zhang	Ms. Zhang is a former employee of Meta. Meta has attempted to contact Ms. Zhang to determine whether it is representing Ms. Zhang and will inform counsel when it hears back.
25. Chris Cox	The parties met and conferred today regarding Plaintiffs' request to depose Mr. Cox, Meta's Chief Product Officer. <i>Meta's Position:</i> Meta intends to seek a protective order relating to Mr. Cox's deposition. Notably, he was not listed among the 35+ witnesses in Plaintiffs' recent motion seeking additional depositions. Mr. Cox is a C-level executive and Meta views as duplicative and not proportional in view of the scheduled depositions of numerous other Meta witnesses with direct involvement with its generative AI LLMs.
26. Meta's 30(b)(6) Deposition	The parties met and conferred today regarding Meta's objections and responses to Plaintiffs' amended 30(b)(6) topics, the identification and designations of Meta's 30(b)(6) witnesses, and their deposition dates. <i>Plaintiffs' Position:</i> After multiple, unanswered requests over the past several weeks, Meta yesterday served objections and responses to Plaintiffs' amended 30(b)(6) topics, dated October 10, and advised Plaintiffs that it "will not be identifying any 30(b)(6) designees today as we are still confirming those designations with the witnesses, but it is our current expectation that we will be designating witnesses from the group of witnesses Plaintiffs already requested for deposition." <i>Meta's Position:</i> Meta disagrees with Plaintiff's characterizations. Meta served its objections and responses on October 28, 2024. Meta is finalizing 30(b)(6) designations and will inform Plaintiffs of those designations shortly, subject to Meta's objections. In the meantime, Meta has represented to Plaintiffs that Meta's 30(b)(6) designees will be among the Meta employees whom Plaintiffs have already noticed depositions of, so no additional depositions will need to be scheduled.

Plaintiffs' witnesses

<u>Deponent</u>	<u>Relevant Date</u>
<i>Depositions Taken</i>	
1. David Henry Hwang	Completed
2. Christopher Golden	Completed
3. Laura Lippman	Completed
4. Lysa TerKeurst	Completed
5. Andrew Greer	Completed
6. Richard Kadrey	Completed
7. Jacqueline Woodson	Completed
8. Sarah Silverman	Completed
<i>Depositions Scheduled and/or Dates Provided</i>	
9. Junot Díaz	Nov. 20
10. Ta-Nehisi Coates	Nov. 21
11. Christopher Farnsworth	Dec. 4
12. Rachel Louise Snyder	Dec. 10
13. Matthew Klam	Dec. 11

Dated: October 29, 2024

By: /S/Bobby A. Ghajar

Bobby A. Ghajar
Colette A. Ghazarian
COOLEY LLP
1333 2nd Street, Suite 400
Santa Monica, CA 90401
Telephone: (310) 883-6400
Facsimile: (310) 883-6500
Email: bghajar@cooley.com
cghazarian@cooley.com

Mark R. Weinstein
Elizabeth L. Stameshkin
COOLEY LLP
3175 Hanover Street
Palo Alto, CA 94304
Telephone: (650) 843-5000
Facsimile: (650) 849-7400
Email: mweinstein@cooley.com
lstameshkin@cooley.com

Kathleen R. Hartnett
Judd D. Lauter
COOLEY LLP
3 Embarcadero Center, 20th Floor
San Francisco, CA 94111
Telephone: (415) 693-2071
Facsimile: (415) 693-2222
Email: khartnett@cooley.com
jlauter@cooley.com

Phillip Morton
COOLEY LLP
1299 Pennsylvania Avenue, NW, Suite 700
Washington, DC 20004
Telephone: (202) 842-7800
Facsimile: (202) 842-7899
Email: pmorton@cooley.com

Angela L. Dunning
**CLEARY GOTTlieb STEEN &
HAMILTON LLP**
1841 Page Mill Road, Suite 250
Palo Alto, CA 94304

By: /S/Maxwell V. Pritt

BOIES SCHILLER FLEXNER LLP
David Boies (*pro hac vice*)
333 Main Street
Armonk, NY 10504
(914) 749-8200
dboies@bsfllp.com

Maxwell V. Pritt (SBN 253155)
Joshua I. Schiller (SBN 330653)
Joshua M. Stein (SBN 298856)
44 Montgomery Street, 41st Floor
San Francisco, CA 94104
(415) 293-6800
mpritt@bsfllp.com
jischiller@bsfllp.com
jstein@bsfllp.com

Jesse Panuccio (*pro hac vice*)
1401 New York Ave, NW
Washington, DC 20005
(202) 237-2727
jpanuccio@bsfllp.com

David L. Simons (*pro hac vice*)
55 Hudson Yards, 20th Floor
New York, NY 10001
(914) 749-8200
dsimons@bsfllp.com

Attorneys for Plaintiffs

Telephone: (650) 815-4121
Facsimile: (650) 849-7400
Email: adunning@cgsh.com

Attorneys for Defendant Meta Platforms, Inc.

ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

I, Bobby A. Ghajar, attest that concurrence in the filing of this document has been obtained from the other signatories. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 29th day of October, 2024, at Los Angeles, California.

By: S/Bobby A. Ghajar